Amendments to the Drawings:

Applicant herewith submits four (4) replacement drawings sheets which will replace the four (4) informal drawing sheets previously filed. The four (4) replacement sheets of formal drawings are attached hereto in Appendix A.

Attachment: Replacement Sheets (4)

REMARKS

Claims 1-23 are pending in the application. The Examiner rejected Claims 1-23. No claims have been allowed.

Drawings

Applicant herewith submits in Appendix A formal drawings as replacement sheets for prior-filed informal drawings.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected Claims 1, 2, 4-12, 18, 19, and 21-23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,033,738 (hereinafter "Merola et al. '738"). Applicant respectfully submits that Merola et al. '738 does not disclose or suggest a compressor assembly including a first compression mechanism in fluid communication with a suction inlet, a second compression mechanism in fluid communication with a discharge outlet, the second compression mechanism being downstream of the first compression mechanism and in fluid communication therewith, and an electrical circuit supplying electrical current to the first compression mechanism *after which* the electrical circuit provides current to the second compression mechanism after a time lapse.

Merola et al. '738 discloses a heat pump system, shown in Fig. 1, including low pressure stage centrifugal refrigerant compressor 10 and high pressure stage centrifugal refrigerant compressor 14. Compressor 10 is in fluid communication with compressor 14 via line 12 and compressor 14 is downstream of compressor 10 in the heat pump system. Refrigerant vapor from evaporator 40 is drawn through line 44 via a suction inlet to low pressure compressor 10. High pressure compressor 14 is in fluid communication with line 16 via a discharge outlet to the remainder of the heat pump system. As shown in Fig. 3, high pressure compressor 14 and low pressure compressor 10 are electrically connected with electrical circuits 53 and 54 to provide current thereto. High pressure, or first, compressor 14 is the first compressor energized in the system and low pressure, or second, compressor 10 is started after high pressure compressor 14 is energized. (*See* column 3, lines 42-50). Second

compressor 10 cannot be started unless first compressor 14 has been started first. (*See* column 5, lines 50-52).

Nowhere does Merola et al. '738 disclose initiating current to first or high pressure compressor 14 after current has been initiated to second or low pressure compressor 10. The first compression mechanism of the claimed invention is similar to second or low pressure compressor 10 of Merola et al. '738 because both are in fluid communication with a suction inlet. Similarly, the second compression mechanism of the claimed invention is similar to first or high pressure compressor 14 of Merola et al. '738 because both are in fluid communication with a discharge outlet and both are downstream of the low pressure compressor. Merola et al. '738 discloses initiating high pressure compressor 14, i.e., the second compression mechanism of the claim invention, prior to initiating low pressure compressor 10, i.e., the first compression mechanism of the claimed invention. In contrast, the claimed invention calls for current to be initiated to the first compression mechanism, i.e., low pressure compressor 10, *after which* current is initiated to the second compression mechanism, i.e., high pressure compressor 14.

Moreover, a person of ordinary skill in the art would not have been motivated to simply switch the order in which the compressors were initiated because Merola et al. '738 teaches away from such a configuration, and, in fact, Merola et al. '738 would be inoperable if the low pressure compressor were initiated prior to the high pressure compressor, as supported by the following sentence: "second compressor 10 cannot be started unless the first compressor 14 has been started first" (*See* column 5, lines 50-52). Because Merola et al. '738 does not disclose or suggest a compressor assembly including a first compression mechanism in fluid communication with a suction inlet, a second compression mechanism in fluid communication with a discharge outlet, the second compression mechanism being downstream of the first compression mechanism and in fluid communication therewith, and an electrical circuit supplying electrical current to the first compression mechanism *after which* the electrical circuit provides current to the second compression mechanism after a time lapse, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of Claims 1, 8, and 18, and Claims 2, 4-7, 9-12, 19, and 21-23 depending therefrom.

Claim Rejections Under 35 U.S.C. §103

The Examiner rejected Claims 3, 13-17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Merola et al. '738 in view of U.S. Patent No. 4,277,955 (hereinafter "Parker '955"). Applicant respectfully submits that Merola et al. '738 in view of Parker '955 does not disclose or suggest a compressor assembly including a first compression mechanism in fluid communication with a suction inlet, a second compression mechanism in fluid communication with a discharge outlet, the second compression mechanism being downstream of the first compression mechanism and in fluid communication therewith, and an electrical circuit supplying electrical current to the first compression mechanism *after which* the electrical circuit provides current to the second compression mechanism after a time lapse.

The disclosure of Merola et al. '738 is discussed above. Nowhere does Merola et al. '738 disclose initiating current to first or high pressure compressor 14 after current has been initiated to second or low pressure compressor 10, as discussed above. Parker '955 does not cure this deficiency and merely discloses a twin compression mechanism in a single enclosure, shown in Fig. 2. Nowhere does Parker '955 disclose an electrical circuit supplying electrical current to a first compression mechanism after which the electrical circuit provides current to the second compression mechanism after a time lapse. Because Merola et al. '738 in view of Parker '955 does not disclose or suggest a compressor assembly including a first compression mechanism in fluid communication with a suction inlet, a second compression mechanism in fluid communication with a discharge outlet, the second compression mechanism being downstream of the first compression mechanism and in fluid communication therewith, and an electrical circuit supplying electrical current to the first compression mechanism *after which* the electrical circuit provides current to the second compression mechanism after a time lapse, Applicant respectfully submits that Merola et al. '738 in view of Parker '955 neither anticipates nor renders obvious Claims 3, 13-17, and 20.

It is believed that the above represents a complete response to the Office Action and reconsideration is requested.

In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260/424-8000.

Respectfully submitted,

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on: October 28, 2005

JASON A. HOUSER, NO.53,038
NAME OF REGISTERED REPRESENTATIVE

SIGNATURE

October 28, 2005
DATE